



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2017
DISTRIBUTED: May 4, 2017

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

William Dunbar, Monticello, Maine. William Dunbar operates a construction company operated under the name of Dunbar Construction and Equipment ("Dunbar"). During a visit by Department staff, in response to an anonymous complaint, it was observed that Dunbar was completing a project for the Town of Monticello which included the replacement of a dry hydrant. It was also observed that Dunbar had removed a small beaver dam and excavated a trench of approximately three (3) feet deep and twenty (20) feet long that had been excavated to drain the pond. The pond level was approximately four to five (4-5) feet below the normal high water line and the water draining from the pond carried silt, sand, gravel and rocks thereby burying a stream channel. Neither Dunbar nor the Town of Monticello obtained permits for this work and it was also observed that proper erosion and sediment controls were not in place on the site. By removing the beaver dam, excavating a trench to drain the pond and failing to install proper erosion and sediment controls, Dunbar violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C, *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C and the *Protection and Improvement of Waters Act*, 38 M.R.S. § 413. To resolve these violations Dunbar agreed to pay the *Treasurer, State of Maine*, a civil monetary penalty in the amount of seven hundred sixty dollars and forty cents (\$760.40). In addition, Dunbar agreed to pay the Northern Maine Development Commission three thousand forty-one dollars and sixty cents (\$3,041.60) for the completion of the Amsden Brook Supplemental Environmental Project.

District Court Enforcement Resolutions (party followed by location):

Water:

Don's No Preference Towing Co. of L/A, Auburn, Maine. Don's No Preference Towing Co. of L/A ("Don's") also known as Morris Auto Parts operates an automobile salvage yard in Auburn, Maine. Don's is covered under a Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity ("permit"). During an inspection by Department staff, it was observed that Don's failed to: properly certify their Storm Water Pollution Prevention Plan ("SWPPP"); keep a copy of the Notice of Intent to be covered by the permit with the SWPPP;



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keep a copy of the acknowledgment letter assigning the facility a permit ID with the SWPPP; include a site map with the SWPPP; identify each separate area where industrial material activities are exposed or potentially exposed to storm water with the SWPPP; identify the areas where potential spills and leaks may occur; describe the type and location of Best Management Practices; document the procedures for conducting three types of analytical monitoring and visual monitoring; documenting quarterly site inspections; describe the annual storm water employee training program for the facility; keep records of annual employee training; perform visual examination of a storm water discharge with industrial activity from each outfall on a quarterly basis; conduct Site Compliance Evaluations at least four times per year; keep records of documentation of the annual non-storm water discharge certification on site with the SWPPP; and inspect all equipment containing oily parts, hydraulic fluids, or any other type of fluids monthly. By failing to complete the above activities in accordance with its permit, Don's violated Maine's *Protection and Improvement of Waters* law, 38 M.R.S. §§ 413(1) and 414(5), and Department's rules concerning *Applications for Waste Discharge Licenses*, 06-096 C.M.R. ch. 521. To resolve these violations, Don's agreed to pay to the *Treasurer, State of Maine*, a civil monetary penalty in the amount of seven thousand five hundred dollars (\$7,500.00).